

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**MARYLAND MANOR ASSOCIATES,
ET AL.**

VS.

CITY OF HOUSTON, TEXAS

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CIVIL ACTION NO. H-10-1736

JURY TRIAL DEMANDED

**DEFENDANT CITY OF HOUSTON, TEXAS’
RULE 12(e) MOTION FOR MORE DEFINITE STATEMENT**

COMES NOW, Defendant City of Houston, Texas’ (Houston) Rule 12 (e) Motion for More Definite Statement and would show the following:

1. Houston files this request because it believes there may be a statute of limitations defense but because the Plaintiffs’ statement of facts is unclear, Houston requests this clarification.
2. Plaintiffs’ Original Petition (DE# 1-1, page 7 of 43, third un-numbered paragraph) admits that the total 184 P.M. peak hour trips onto and off of the Bissonnet right of way aspect is the same for the original July 30, 2007 permit application through the revised permit application filed on April 7, 2009 at issue. Plaintiffs admit that during the first few permit application submittals and re-submittals, only the Section 40-86 approval was withheld. DE# 1-1, page 7 of 43, fourth un-numbered para. Houston requests Plaintiffs clarify their facts to indicate when the events occurred and which permit(s) denied is/are the subject of their petition.
3. Houston requests this Court order Plaintiffs to state with which application permit submittal(s) was/were denied the Section 40-86 approval.
4. Houston requests this Court order Plaintiffs to state when the application permit submittal(s) was/were denied the Section 40-86 approval.

WHEREFORE, PREMISES CONSIDERED, Defendant The City of Houston, Texas, prays
that the Court requires the Plaintiffs to file a more definite statement.

Respectfully submitted,

David M. Feldman
City Attorney

By: /s/ Jaqueline I. Leguizamon
Jaqueline I. Leguizamon
Senior Assistant City Attorney
Attorney in Charge
Federal I.D. No. 17475
Bar No. 12172100
David M. Feldman
City Attorney
Robert L. Cambrice
Division Chief
Bar No. 03674700
Federal I.D. No. 7656
P.O. Box 368
Houston, Texas 77001-0368
(832) 393-6473 (telephone)
(832) 393-6259 (facsimile)

Attorneys for Defendant
CITY OF HOUSTON, TEXAS

CERTIFICATE OF SERVICE

This pleading was served in compliance with the Federal Rules of Civil Procedure on the **13th** day of **May**, 2010.

cc: Mr. Stephen I. Adler
Barron & Adler, L.L.P.
808 Nueces Street
Austin, Texas 78701-2216
Via CMRRR# 7160 3901 9848 5308 2264

cc: Mr. Thomas E. Sheffield
Lawyer
609 Bradford Avenue, Suite 101
Kemah, Texas 77565
Via Regular Mail

/s/ Jaqueline I. Leguizamon
Jaqueline I. Leguizamon